

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

..... X
MELISSA KAYE,

PLAINTIFF,

-against-

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION;
ELIZABETH FORD; ABHISHEK JAIN; JONATHAN WANGEL; and
PATRICIA YANG (in their official and individual capacities and as
aiders and abettors)

18-CV-12137
(JPC)(JLC)

DEFENDANTS.

..... X

**DECLARATION OF SPECIAL HAGAN IN SUPPORT OF PLAINTIFF'S RESPONSES
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

I, SPECIAL HAGAN, declare, pursuant to 28 U.S.C. § 1746 under penalty of perjury
that the foregoing is true and correct:

- 1) I represent plaintiff MELISSA KAYE, M.D., as such, I am familiar with the facts and circumstances underlying this action. Accordingly, I submit this declaration in opposition to defendants' motion for summary judgment.
- 2) Plaintiff respectfully requests oral argument on this motion.
- 3) Attached hereto as Exhibit 1 is the American Academy of Psychiatry and the Law's Guidelines on Forensic Psychiatry.
- 4) Attached hereto as Exhibit 2 is Plaintiff's 56.1 Statement.
- 5) Attached hereto as Exhibit 3 is Dr. Kaye's Personnel Action Form dated August 16, 1999 baring the bates stamp series: D00029

- 6) Attached hereto as Exhibit 4 is Dr. Kaye's Personnel Action Form dated May 2, 2000, baring the bates stamp series: D00028.
- 7) Attached hereto as Exhibit 5 is Dr. Cric's Personnel Action Form dated July 1, 2001, baring the bates stamp series: D00049.
- 8) Attached hereto as Exhibit 6 is the Curriculum Vitae of Melissa Kaye, M.D., baring the bates stamp series: NYC002544.
- 9) Attached hereto as Exhibit 7 is the Curriculum Vitae of Steven Cric, M.D. baring the bates stamp series: D000397-D000400.
- 10) Attached hereto as Exhibit 8 is the collective bargaining agreement for Doctors Council.
- 11) Attached hereto as Exhibit 9 are Defendants' Responses to Plaintiff's Requests for Admission (RFA).
- 12) Attached hereto as Exhibit 10 is the Declaration of Melissa Kaye, M.D. (Kaye Decl.).
- 13) Attached hereto as Exhibit 11 is the Deposition of Barry Winkler, PsyJD (Winkler Dep.).
- 14) Attached hereto as Exhibit 12 is Dr. Kaye's FMLA Application dated October 12, 2018, baring the bates stamp series: NYC002534-NYC002537.
- 15) Attached hereto as Exhibit 13 is an Email from Wangel dated October 29, 2018 with the Subject: Timesheet not Processed, baring the bates stamp series: NYC002487-NYC002488.
- 16) Attached hereto as Exhibit 14 is an Email from Mendez with the Subject: Melissa Kaye/ FMLA To care for III Family Member; Leave Approval Retro, baring the bates stamp series: Kaye4thProd0168-Kaye4thProd0169).

17) Attached hereto as Exhibit 15 is an Email from Kaye dated June 21, 2019 with the Subject: FMLA Annual Schedule and Balance, baring the bates stamp series: NYC002954-NYC002957.

18) Attached hereto as Exhibit 16 is an Email from Kaye dated November 26, 2019 with the Subject: Pay Deductions Grievance Sought, baring the bates stamp series: NYC003169-NYC003172.

19) Attached hereto as Exhibit 17 is the Deposition of Melissa Kaye, M.D. (Kaye Dep. as taken on 11/15/21).

20) Attached hereto as Exhibit 18 is the Deposition of Patricia Yang, D.Ph. (Yang Dep. as taken on 2/228/20).

21) Attached hereto as Exhibit 19 is an Email from Yang dated February 1, 2019 with the Subject: Judge Torres wants to Hold Us in Contempt, baring the bates stamp series: NYC00075-NYC00076.

22) Attached hereto as Exhibit 20 is the Deposition of Jeffrey Bloom, Esq. (Bloom Dep.).

23) Attached hereto as Exhibit 21 is an Email from Bloom dated December 9, 2019 with the Subject 730 List, baring the bates stamp series: Kaye6thProd00557-Kaye6thProd00559.

24) Attached hereto as Exhibit 22 is an Email from Bloom dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00564-Kaye6thProd00566.

25) Attached hereto as Exhibit 23 is an Email from Jain dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00571-Kaye6thProd00575.

26) Attached hereto as Exhibit 24 is an Email from Bloom dated January 16, 2019 with the Subject: Travel on Fridays Kaye6thProd00602-Kaye6thProd00609.

27) Attached hereto as Exhibit 25 is a Memorandum of Agreement between Doctors Council; Health and Hospitals Corporation; and the City of New York, baring the bates stamp series: NYC00008-NYC00015.

28) Attached hereto as Exhibit 26 is an Email from Barrow, Colleen dated 11/15/18 with the Subject: Dr. Kaye Retention Bonus Payment, baring the bates stamp series: NYC00866.

29) Attached hereto as Exhibit 27 is the Timesheet Profile Request dated November 16, 2018, baring the bates stamp series: NYC003421.

30) Attached hereto as Exhibit 28 is the Deposition of Jonathan Wangel, Esq. (Wangel Dep.)

31) Attached hereto as Exhibit 29 is Excerpts from "Sometimes Amazing Things Happen," by Elizabeth Ford, M.D.

32) Attached hereto as Exhibit 30 is an Email from Jain dated May 11, 2018 with the Subject: Titles, baring the bates stamp series: NYC00216.

33) Attached hereto as Exhibit 31 is the Deposition of Andrea Swenson (Swenson Dep.).

34) Attached hereto as Exhibit 32 is an Email from Wangel dated July 11, 2018 with the Subject: FPECC Question, baring the bates stamp series: NYC00369-NYC00370.

35) Attached hereto as Exhibit 33 is Dr. Kaye's Complaint to the Board of Correction dated January 7, 2020.

36) Attached hereto as Exhibit 34 is an Email from Kaye dated July 12, 2019 with the Subject: Request for a Reasonable Accommodation, baring the bates stamp series: NYC004126-NYC004130.

37) Attached hereto as Exhibit 35 is an Email from Greenfield dated July 12, 2019 with the Subject: Re: Request for a Reasonable Accommodation, -Melissa Kaye (Attorney Client Privilege), baring the bates stamp series: NYC001598-NYC001601.

38) Attached hereto as Exhibit 36 is an Email from Kaye dated August 16, 2019 with the Subject: Re: Request for a Reasonable Accommodation, baring the bates stamp series: NYC001642-NYC001643.

39) Attached hereto as Exhibit 37 is H + H's Personnel Policy and Regulations.

40) Attached hereto as Exhibit 38 is the Deposition of Elizabeth Ford, M.D. (Ford Dep.)

41) Attached hereto as Exhibit 39 is the Managing Dual Roles Policy as signed by Dr. Ford, dated December 21, 2018.

42) Attached hereto as Exhibit 40 is Health and Hospital Corporation's Press Release for Patricia Yang dated June 18, 2015.

43) Attached hereto as Exhibit 41 is Email from Swenson dated March 7, 2019 with the Subject: I am making mistakes so you don't have to (NYC002606-NYC002607).

Dated: Queens, New York
June 11, 2022

Respectfully submitted,

/s/

SPECIAL HAGAN, ESQ.
Law Offices of Special Hagan
88-08 Justice Avenue, Apt. 16i
Elmhurst, New York 11373

special@haganlawoffices.net

Attorney for Plaintiff
MELISSA KAYE, M.D.